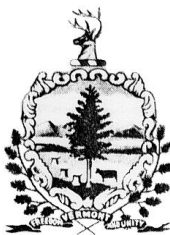


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Sen. Richard Sears, Chair
Sen. Becca Balint
Sen. Joe Benning
Sen. John Campbell

STATE OF VERMONT

Legislative Committee on Judicial Rules

Thursday, June 9, 2016

State House, Room 11

AGENDA

10:00 a.m. Approval of minutes of 12/17/15 meeting.

10:05 a.m. **Hon. Judge Walter Morris (Ret.), Reporter, Advisory Committee on Rules of Criminal Procedure, Vermont Supreme Court**

1. Emergency Amendments (promulgated December 21, 2015; effective January 1, 2016).

a. **V.R.Cr.P. 5, 11.** Required notice of potential collateral consequences of conviction to defendant pleading guilty or nolo contendere.

2. Promulgated Rules (proposed May 19, 2015; reviewed by LCJR 9/24/15; promulgated May 10, 2016; effective July 11, 2016 and August 15, 2016).

a. **V.R.Cr.P. 5.** Pretrial risk assessments and needs screenings.

b. **V.R.Cr.P. 16(d).** Prosecutor's disclosure of victim information to defendant.

c. **V.R.Cr.P. 41(e).** Electronic filing of search warrant returns, documents.

3. Proposed Rule (proposed January 11, 2016; comments due March 11, 2016, not yet reviewed by LCJR).

a. **V.R.Cr.P. 28.** Appointment of interpreters in Criminal Division for persons with hearing impairments or limited English proficiency (LEP).

4. Proposed Rule (proposed May 10, 2016; comments due July 15, 2016, not yet reviewed by LCJR).

a. **V.R.Cr.P. 3(c)(16).** Nonwitnessed misdemeanor offenses for which a law enforcement officer with probable cause is authorized to arrest a person.

10:45 a.m.

Jody Racht, Esq., Chair, Advisory Committee on Family Rules; Vermont Supreme Court

5. Emergency Amendment (promulgated January 11, 2016; effective March 11, 2016).

a. **V.R.F.P. 4(r)(3).** Permitting court to order parties to share costs of a master in certain cases if specified property or income thresholds are met.

6. Proposed Rules (proposed February 16, 2016; comments due April 19, 2016, not yet reviewed by LCJR).

a. **V.R.F.P. 4.0, 4.1, 4.2, 4.3.** Reorganization, reformatting, and restyling of Family Rules related to divorce, annulment, legal separation, and abuse prevention.

b. **V.R.F.P. 4.0, 4.1, 4.2, 4.3.** Substantive changes to reorganized Family Rules related to divorce, annulment, legal separation, and abuse prevention (actions in different counties, waiver of service, temporary orders for spousal maintenance, property distribution, service in cases involving minor children).

7. Proposed Rules (proposed May 10, 2016; comments due July 15, 2016, prior version of rule reviewed by LCJR at 6/26/15 meeting).

a. **V.R.F.P. 4(j), (o).** Remedy for a person seeking to establish parentage after a prior determination of parentage to which that person was not a party.

b. **V.R.F.P. 4(j), (o).** Additional version of rule showing changes between prior and current proposals.

11:30 a.m.

Allan Keyes, Esq., Chair, Advisory Committee on Civil Rules; Vermont Supreme Court

8. Emergency Amendment (promulgated January 11, 2016; effective April 1, 2016).

a. **V.R.C.P. 80.6.** Default judgment in judicial bureau procedures; requirement of declaration that defendant is not in military service.

9. Emergency Amendments to Vermont Rules of Small Claims Procedure.

a. **V.R.S.C.P. 3, 7, 8, 9, 10 (promulgated January 11, 2016; effective April 15, 2016).** Electronic delivery of court documents to registered filers.

b. **V.R.S.C.P. 3(d) and (g), 7(a), 8(b), and 9(b) (promulgated March 7, 2016; effective April 15, 2016).** Processing of filed documents by court clerk prior to service.

10. Proposed Rules Awaiting Promulgation (prior version proposed June 9,

2015; reviewed by LCJR at 9/24/15 meeting).

a. **V.R.C.P. 80.11.** Expedited procedure for lower-value or less complex cases.

b. **V.R.C.P. 80.11.** Additional version of rule showing changes between proposed version and anticipated promulgated version.

11. Proposed Rules (proposed March 7, 2016; comments due May 13, 2016, not yet reviewed by LCJR).

a. **V.R.C.P. 4.** Service on Vermont Attorney General under State and federal False Claims Acts.

b. **V.R.C.P. 16.3.** Mediation procedures.

c. **V.R.C.P. 80.10.** Request for hearing after denial of a request for an order against stalking or sexual assault.

12. Proposed Rules (proposed May 10, 2016; comments due July 15, 2016, not yet reviewed by LCJR).

a. **V.R.E.C. 4 and 5.** Conforming time periods to day-is-a-day counting system.

12:30 p.m.

Hon. Joanne M. Ertel, Probate Judge, Chair, Advisory Committee on Probate Rules, Vermont Supreme Court

13. Promulgated Rule (proposed October 20, 2015; reviewed by LCJR 12/17/15; promulgated March 7, 2016; effective May 9, 2016).

a. **V.R.P.P. 16.1.** Mediation in probate proceedings.

12:35 p.m.

Adjourn

If you have questions and/or comments, please contact Agatha Kessler at 802-828-2271 or akessler@leg.state.vt.us